

REMARKS

Surrender of Patent

Enclosed is the original Letters Patent.

Reissue Oath

Enclosed is a new oath executed by an authorized representative of the estate of John Wells. A new oath executed by Steven Gann will be submitted shortly.

The Rejections

The courteous interview granted by Examiner Cooley on May 6, 2003, is noted with appreciation. At the interview the references to Raccuglia, McFarland, Crippa, and Onishi were discussed. It was agreed that a RCE would be submitted amending claim 28 to include an element that holds the container in an orientation whereby fluid is transferred from one chamber to another and amending claims 25 and 33 to include structure that broadly provides for maintaining sterility.

Claim 25 has been amended to clarify its final paragraph, which is presented under 35 USC 112(6) and should be interpreted to include literally the structure that is disclosed for sterile transfer of fluids to or from the chambers and all equivalents. Claim 33 is not written in means-plus-function language and claims a container having an access port that allows sterile transfer to or from a chamber. These claims are also directed to devices that allow sterile transfer of liquids to the chambers separately, as opposed to the transfer of a liquid to the two chambers simultaneously.

Claim 28 has been amended to include recitation of a locking element that selectively locks the container in the predetermined location wherein fluid is transferred from one chamber to another.

Reconsideration of the rejections of the claims is respectfully requested in light of the above amendments. With respect to claims 25 and 33, it is submitted that no reference of record, either by itself or in combination with others shows or suggests the claimed structure. While McFarland may teach a "container," it is decidedly different from that set forth in the claims. McFarland shows a container with a plurality of separate chambers that is not designed for transfer of fluids between the chambers. The action asserts that the element 32 is the recited bridge and that the access ports are the bottom sockets 22. But, element 32 cannot be the bridge that allows transfer of a liquid between the chambers because the baffles 38 would prevent that. Further, even if the sockets 22 were properly considered ports, they are not the structures set forth in the claims because they do not provide sterile transfer of liquids. Similarly, neither Crippa nor Onishi teaches a container capable of sterile introduction or withdrawal of fluids.

With respect to claim 28, Raccuglia does not show any mechanism for holding the pivotal cup 216 in any particular orientation, and there is no reason to modify it to do so.

The indication of allowable subject matter is appreciated. Claim 30 has been amended to be consistent with amended claim 28.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

A one-month extension of time is requested from June 3, 2003 to July 3, 2003. A check in the amount of \$430.00 is enclosed (\$375.00 RCE fee and \$55.00 one-month extension of time fee). Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Conrad Clark", written in a cursive style.

Conrad J. Clark
Reg. No. 30,340

Suite 600
1750 K Street NW
Washington, DC 20006
202-835-1111
202-835-1755 (fax)
July 2, 2003

MARKED UP CLAIM AMENDMENTS

25 A container comprising:

[at least] a first sterile chamber having a first top portion, a first bottom portion and a first set of walls;

a second sterile chamber adjacent said first sterile chamber and having a second top portion adjacent said first top portion, a second bottom portion and a second set of walls;

a bridge connecting said first top portion of the first chamber and said second top portion of the second chamber, such that a liquid can be transferred from the first chamber to the second chamber while the container is positioned at a predetermined angle, and

means for sterile transfer of a liquid to or from at least one of said chambers independently of the other of said chambers [maintaining sterility of said first and second chambers during addition or removal of liquids to said chambers].

28. A system for treating physiological products and maintaining sterility of said products during said treating comprising:

a container having a plurality of closed, sterile fluid-receiving chambers, a bridge forming a fluid path allowing fluid communication between a first of said chambers and a second of said chambers when said container is in a predetermined orientation, and at least one access port allowing sterile access to at least one of said chambers [to maintain sterility], and

a centrifuge having a holder removably receiving said container and allowing said container to assume a first orientation wherein a physiological product in one of said chambers is subjected to centrifugation and said predetermined orientation wherein fluid in said first of said chambers flows along said fluid path to said second of said chambers and a locking element that selectively locks said container in said predetermined orientation.

30. A system according to claim 28 [further comprising] wherein said locking element comprises a movable locking plate that is movable between free and locking positions, wherein said plate allows said container to assume said first orientation when in said free position and holds said container in said predetermined position when in said locking position.

33. A container comprising a base forming a plurality of sterile chambers, each of said chambers having a bottom and a top, a bridge connecting at least two of said chambers and arranged to provide a sterile fluid channel from a first of said at least two sterile chambers to a second of said at least two sterile chambers when said container is in a predetermined orientation, a lid closing said top of each of said plurality of chambers, and an access port near the top of at least one of said chambers adapted to allow sterile transfer of a liquid to or from said at least one of said chambers independently of the other of said chambers [access ports that provide access to the chambers while maintaining sterility].